

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
JAN 24 2005

MELISSA OSTRANDER, Plaintiff)

v.)

HUSSMANN CORPORATION, Defendant)

CIVIL ACTION NO. 04-30197-MAP COURT

DISTRICT OF MASSACHUSETTS

DEFENDANT'S MOTION FOR COURT ORDER
COMPELLING COMPLIANCE WITH RECORDS SUBPOENA

Now comes the defendant and moves the court to issue an order compelling a non-party, Peter G. Grey, Ph.D., to comply with the defendant's records subpoena for his treatment records of the plaintiff. As grounds, the records are relevant to the allegations set forth in the plaintiff's complaint and the non-party has stated in no uncertain terms he will not comply with the subpoena absent a court order. Further, the defendant requests leave to waive compliance with Local Rules 7.1 and 37.1, since it is clear the non-party's position is not amenable to discussion and resolution without a court order. See Tab A (letter from Dr. Grey).

WHEREFORE, the defendant respectfully requests the court to order the non-party deponent, Peter G. Grey, to comply with the records subpoena issued by the defendant.

HUSSMANN CORPORATION, Defendant

By John B. Stewart
JOHN B. STEWART
MORIARTY, DONOGHUE & LEJA, P.C.
1331 Main Street, Springfield, MA 01103
(413) 737-4319

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the within motion was served upon Dr. Grey and plaintiff's counsel by mail on January 21st, 2005.

John B. Stewart
JOHN B. STEWART

Tab A

PETER G. GREY, PH.D.
LONGMEADOW PROFESSIONAL CENTER
123 DWIGHT ROAD
LONGMEADOW, MASSACHUSETTS 01106

TELEPHONE 413-567-2351

CLINICAL PSYCHOLOGY

January 14, 2005

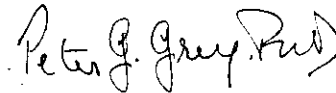
Attorney John B. Stewart
Moriarty, Donoghue & Leja, P.C.
1331 Main Street
Springfield, MA 01103

Re: Melissa Ostrander
v.
Hussmann Corp.
Case Number: 04-30197-MAP

Dear Atty. Stewart:

I am in receipt of your subpoena for records concerning Ms. Ostrander. As you know the information which you are requesting is privileged and confidential and cannot be released without a signed and notarized authorization from the party in question or a court order.

Yours truly,


Peter G. Grey, Ph.D.

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RECEIVED JAN 21 2005